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Attorneys for Defendants  
Verizon Communications Inc. and  
The Plan For Group Insurance

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOV FERSHTADT,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC.,  
THE PLAN FOR GROUP INSURANCE,  
METROPOLITAN LIFE INSURANCE  
COMPANY, and UNUM LIFE INSURANCE  
COMPANY OF AMERICA,

Defendants.

**CIVIL ACT. NO. 07-CV-6963**

**THE VERIZON DEFENDANTS'  
PARTIAL MOTION TO DISMISS  
AMENDED COMPLAINT AND TO  
STRIKE JURY DEMAND**

**JUDGE COLLEEN McMAHON**

Defendants Verizon Communications Inc. and the Plan for Group Insurance (the "Verizon Defendants") respectfully move this Court for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Counts II-IV of plaintiff's Amended Complaint for the reasons set forth in the accompanying Memorandum in Support of Defendants' Partial Motion to Dismiss Plaintiff's Amended Complaint and to Strike Jury Demand, and granting such other and further relief as the Court deems just and proper. The Verizon Defendants also move this Court for an Order striking plaintiff's demand for a jury trial.

Dated: October 8, 2007

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/Karen M. Wahle

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**CERTIFICATE OF SERVICE**

I certify that on October 8, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/ Karen M. Wahle

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